

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DARREN FORD,  
Petitioner,

v.

DANIEL PARAMO,  
Respondent.

Case No. [16-cv-03051-RS](#) (PR)

**ORDER DISSOLVING STAY AND  
REOPENING ACTION**

This federal habeas action was stayed so that petitioner could exhaust his claims in state court. (Dkt. No. 63.) In 2020, petitioner filed a new habeas action challenging the same convictions he challenges in the instant action. *Ford v. People of the State of California*, No. 20-cv-07158 (RS). If the Court allowed the 2020 action to proceed, it likely would be challenged by respondent as untimely as the action was not filed within one year after petitioner's 2012 convictions became final. *See* 28 U.S.C. § 2244(d). In the interest of justice, the Court dismissed the 2020 action and will reopen the 2016 action. Accordingly, the stay in the instant matter is DISSOLVED and the action is REOPENED. The Clerk is directed to modify the docket accordingly.

On or before **May 2, 2022**, petitioner shall file an amended petition containing all the claims he wishes to present. If petitioner does not file an amended petition by that date, the Court will regard the petition he filed in the 2020 action as the operative petition and direct the Clerk to file it in the 2016 action.

Petitioner is reminded of the following if he files an amended petition. The amended petition must include the caption and civil case number used in this order (16-03051 RS (PR)) and the words FOURTH AMENDED PETITION on the first page. The

petition must appear on this Court's form. Because an amended petition completely replaces the previous petitions, petitioner must include in his amended petition all the claims he wishes to present. Petitioner may not incorporate material from any prior petition by reference.

In the instant matter, petitioner repeatedly filed motions to amend his petition, which delayed adjudication of his claims. If petitioner files an amended petition by May 2, 2022, that will be the final petition this Court will accept. If petitioner does not file an amended petition by May 2, 2022, the petition he filed in the 2020 suit will be the final petition. **No amendments will be allowed.** Petitioner has had ample time to decide what his claims are.

**IT IS SO ORDERED.**

**Dated:** March 28, 2022



RICHARD SEEBORG  
United States District Judge

United States District Court  
Northern District of California